

For Office Use Only

CASE # 2022-0137-Y

FEE PAID \$ 250.00

DATE 09 01 2022



For Office Use Only

ZONE R5

CRITICAL AREA: IDA ___ LDA X RCA ___

BMA: Yes X No ___

NO. OF SIGNS 2

VARIANCE APPLICATION

NOTE: This form can be downloaded to your computer and filled out utilizing Adobe Reader (or similar product). It can also be printed and filled out by hand.

Applicant(s): KEVIN J. CAMPBELL AND TRACY WELSH
(Applicant must have a financial, contractual, or proprietary interest in the property)

Property Address: 1212 HILLCREEK ROAD, PASADENA MD 21122

Property Location: 50.00 feet of frontage on the (E) side of HILLCREEK ROAD ;
(Enter Street Name)
795+/- feet (N) of (Nearest intersecting street) FORT SMALLWOOD ROAD .
(Enter Street Name)

12-digit Tax Account Number 3695-0598-0800 Tax District (3) Council District (3)

Waterfront Lot: Y N Corner Lot: Y N Deed Title Reference 29410/432

Zoning District R5 Lot # 1 Tax Map 17 Block/Grid 8 Parcel 464

Area 7,754 (Sq Ft.) Subdivision Name ROCK HILL

Description of Proposed Project and Variance Requested (Brief, detail fully in letter of explanation)
SEE ATTACHED LETTER

The applicant hereby certifies that he or she has a financial, contractual, or proprietary interest in the property; that he or she is authorized to make this application; that the information shown on this application is correct; and that he or she will comply with all applicable regulations of Anne Arundel County, Maryland.

Applicant's Signature Tracy Welsh Owner's Signature Kevin J. Campbell

Print Name KEVIN J. CAMPBELL & TRACY WELSH Print Name KEVIN J. CAMPBELL & TRACY WELSH

Mailing Address 1212 HILLCREEK ROAD Mailing Address 1212 HILLCREEK ROAD

City, State, Zip PASADENA, MD 21122 City, State, Zip PASADENA, MD 21122

Work Phone _____ Work Phone _____

Home Phone _____ Home Phone _____

Cell Phone 617-359-8893 Cell Phone 617-359-8893

Email Address tracyawelsh@hotmail.com Email Address tracyawelsh@hotmail.com

*** Below For Office Use Only ***

Application accepted by Anne Arundel County Office of Planning and Zoning: Th 09 01 2022
Initials Date

Variance to allow a dwelling addition (upper & lower decks)
with less setbacks and buffer than required and
with disturbance to slopes greater than 15%.

M.A.F. & Associates, LLC
Matthew A. Forgen
55 Jones Station Road, W.
Severna Park, MD 21146
Phone: 443-864-8589

August 31, 2022

Planner
Department of Planning & Zoning
2664 Riva Road
Annapolis MD 21401

RE: Rock Hill Lot 1 Section H
1212 Hillcreek Road, Pasadena, MD 21122

Dear Planner:

Please accept this submittal of a variance for the above referenced project. We are proposing to demolish the existing upper and lower wood decks as well as the steps to grade to allow them to be rebuilt. These decks are in bad condition and must be replaced. The lower deck is a replace in kind. The upper deck gets expanded from a 15' x 6' deep wood deck to a 15' x 10' deep wood deck. This deck does not go any closer to the water than the lower wood deck. construction of a new single family detached dwelling and associated site improvements on the above referenced property.

The upper deck has a proposed footprint of 15' x 10' and is setback 11.90' from the southern property line and 79.96' from the waterline, and 20.82' from the northern property line.

The lower deck has a proposed footprint of 30.30' x 10' and is setback 11.90' from the southern property line and 78.53' from the waterline, and 7.82' from the northern property line.

This proposal will require variances to allow development in the 100' stream buffer, 100' buffer to the shoreline, and disturbance within slopes greater than 15% in the Critical Area as well as the associated buffer.

Zoning pre-file comments Need to justify replacement of the lower deck that measures 10 feet by 30 feet and is located in the 100-foot stream buffer is the minimum necessary.

Our response: The deck is in bad condition and can not be fixed. It is safer to demolish and rebuild the deck. The permanent impacts to the buffer remain the same as the existing deck.

The pre-file was completed, and the Critical Area Team comments were: No comments were provided

Our response: No response required.

Requested critical area variances:

WE REQUEST A VARIANCE TO ARTICLE 17-8-201(a). WE REQUEST A VARIANCE TO ALLOW 144 SQUARE FEET OF DISTURBANCE TO 15% OR GREATER STEEP SLOPES IN THE LDA AND 800 SQUARE FEET WITHIN THE 25' STEEP SLOPE BUFFER FOR THE GRADING TO ALLOW FOR THE CONSTRUCTION OF THE DEMO/REBUILD OF A WOOD DECK.

WE REQUEST A VARIANCE TO ARTICLE 17-8-301 (b). WE REQUEST A VARIANCE TO ALLOW 1,373 SQUARE FEET OF DISTURBANCE WITHIN THE 100' STREAM BUFFER AND 100' BUFFER TO THE SHORELINE.

We feel this variance request meets the requirements of Article 18-16-305 (b) and therefore the variance should be granted. Below is the justification for granting the above noted variances.

18-16-305(b)(1): This site is an existing, legal, lot improved with a single-family dwelling, driveway, sidewalk, and waterfront wood decks. The existing decks to be replaced fall within the buffer to steep slopes as well as the 100' stream buffer and 100' buffer to the shoreline. The majority of the site is encumbered with the steep slope buffer and 100' buffer. There is no way to demolish and rebuild the wood decks without these required variances. These are the unique characteristics of the lot.

18-16-305(b)(2): If this variance is denied, property owner would be deprived of rights commonly enjoyed by other properties in similar areas permitted in accordance with the provisions of the critical area program due to inability to replace the existing decks without the requested variances.

18-16-305(b)(3): The granting of a variance will not confer on an applicant any special privilege that would be denied by COMAR, Title 27, the County's critical area program to other lands or structures within the County critical area. This is a legal building lot and the owner has the right to rebuild a waterfront deck that is in disrepair.

18-16-305(b)(4): This variance request is not based on conditions or circumstances that are the result of actions by the applicant, including the commencement of development before an application for a variance was filed, and does not arise from any condition relating to land or building use on any neighboring property.

18-16-305(b)(5): The granting of a variance will not adversely affect water quality or adversely impact fish, wildlife, or plant habitat within the County's critical area or a bog protection area and will be in harmony with the general spirit and intent of the County's critical area program or bog protection program. These decks are proposed to be decks constructed with gaps between the decking boards. The gaps will allow water to pass through the deck as it currently does.

18-16-305(b)(6): The applicant for a variance to allow development in the 100' stream buffer has maximized the distance between slopes and driveway and grading. In taking into account natural features and the placement of the proposed improvements, the requirements of § 17-9-208 of this Code have been met. This proposal does not encroach the 100' buffer more than the existing deck. The decks are proposed to remain no closer to the shoreline than the existing deck.

18-16-305(b)(7): We feel the applicant, by competent and substantial evidence, has overcome the presumption contained in the Natural Resources Article, § 8-1808, of the State Code.

18-16-305(c)(1): We feel this request represents the minimum variance necessary to afford relief. There is no way to rebuild the existing deck without the requested variance.

18-16-305(c)(2)(i): The approval of the variance will not alter the essential character of the neighborhood. Most homes in this area enjoy waterfront decks.

18-16-305(c)(1)(ii): This proposed development would not impair the appropriate use or development of adjacent properties.

18-16-305(c)(1)(iii): The property is located partially within the LDA classification of the critical area. We will meet all critical area requirements per the submitted plan. There will not be a decrease in the amount of woodlands in the critical area.

18-16-305(c)(1)(iv): This proposed development is in compliance with all critical area requirements for the LDA portion of the critical area.

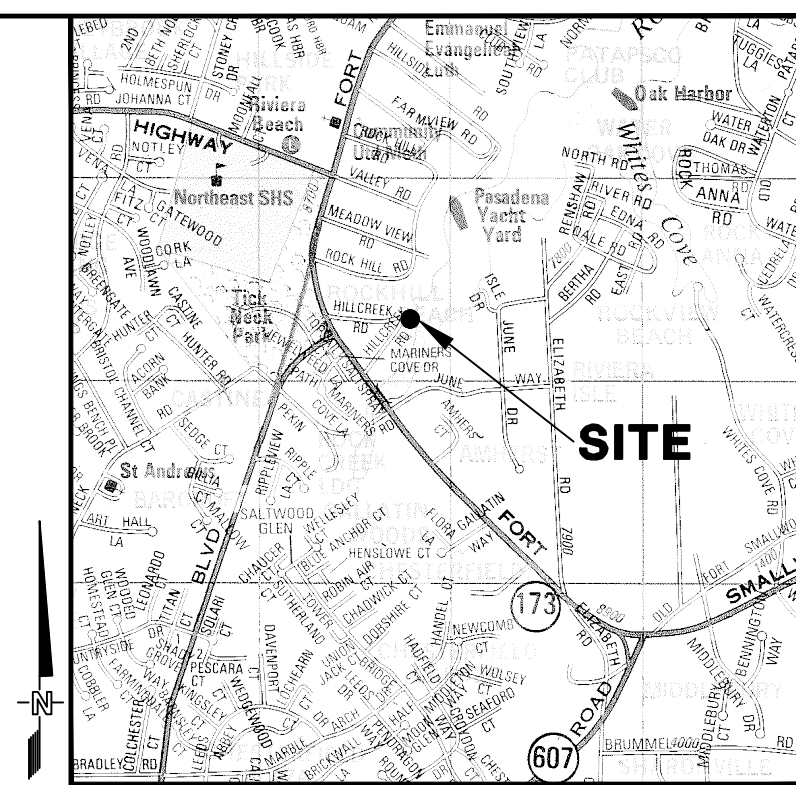
18-16-305(c)(1)(v): This development is not detrimental to the health and welfare of the community. These are replacement decks. These decks are proposed to be decks constructed with gaps between the decking boards. The gaps will allow water to pass through the deck as it currently does.

If you should have any question regarding this submittal, please feel free to contact me at the number above.

Sincerely,

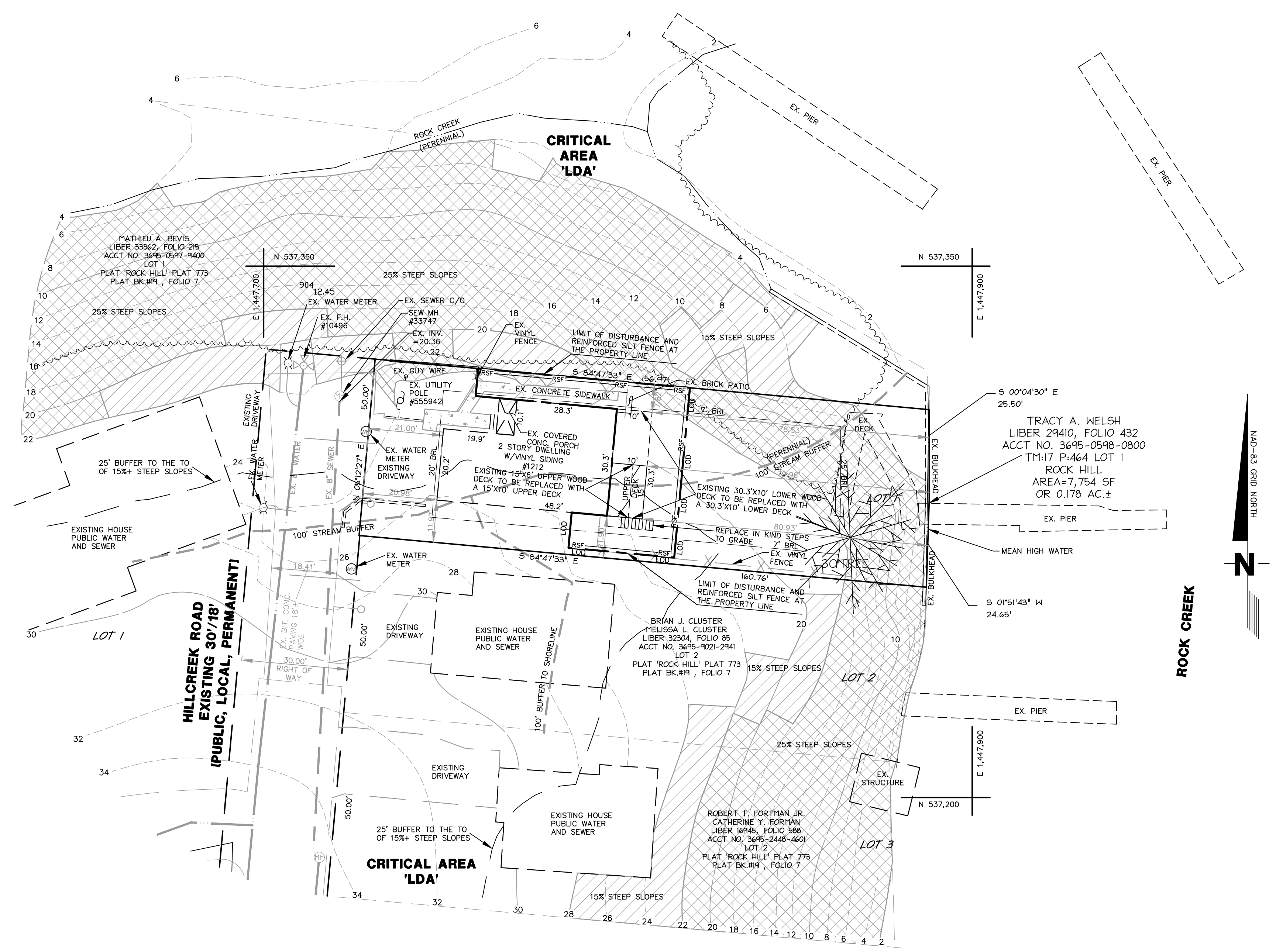
A handwritten signature in black ink, appearing to read "M. Forgen", with a large, stylized flourish extending to the right.

Matthew A. Forgen
MAF & Associates, LLC



VICINITY MAP

SCALE: 1" = 2,000'
 ADC MAP: 9, GRID: E6
 Copyright ADC The Map People
 Permitted Use Number 20811204



PROPOSED SITE CONDITIONS
 SCALE: 1"=20'

SITE DATA	
PROPERTY ADDRESS:	1212 HILLCREEK ROAD PASADENA, MD. 21122
OWNER:	KEVIN J. CAMPBELL TRACY A. WELSH 1212 HILLCREEK ROAD PASADENA, MD. 21122
DEVELOPER:	KEVIN J. CAMPBELL TRACY A. WELSH 1212 HILLCREEK ROAD PASADENA, MD. 21122
EXISTING USE:	SINGLE FAMILY DWELLING PROPOSED USE: SINGLE FAMILY DWELLING
EXISTING ZONING:	R5 SETBACKS: FRONT: 25', SIDE: 7', REAR: 20'
TAX MAP:	17 BLOCK: 08 PARCEL: 464 LOT: 1
ASSESSMENT DISTRICT:	3RD
TAX ACCOUNT NUMBER:	3695-0598-0800
CRITICAL AREA:	LDA: 7,754 S.F. / 0.1780 Ac.
TOTAL SITE AREA:	0.1780 ACRES 7,754 SQUARE FEET
EXISTING IMPERVIOUS:	0.0638 ACRES 2,782 SQUARE FEET
PROPOSED HEIGHT:	35 FEET

- PROPOSED SITE AREA CALCULATIONS/
 CRITICAL AREA CALCULATIONS (LDAI)**
- Total site area: 7,754 s.f. or 0.1780 ac.
LDA 7,754 s.f. or 0.1780 ac.
 - Total lot coverage allowed: 25%+500 s.f. or 2,438 s.f.
 - Total woods on site: 1,426 square feet or 18.39% of the site.
 - Total woods permitted to be cleared: not to exceed 262 square feet
 - Total woods to be cleared in 100' buffer: 0 square feet
 - Total woods to be cleared out of 100' buffer: 0 square feet
 - Total existing lot coverage: House 1,310 s.f.
Drive 472 s.f.
Walk 212 s.f.
Total 1,994 s.f.
 - Total proposed lot coverage: 0 s.f.
 - Total lot coverage after construction: 1,994 s.f. = 25.72% of the site
 - Total afforestation required: 0 square feet

**M.A.F. &
 ASSOCIATES, LLC**
 55 JONES STATION ROAD, W.
 SEVERNA PARK MD 21146
 PHONE: 443-864-8589
 EMAIL: MFORGEN@AOL.COM

LEGEND					
	Existing Grade		Existing Structure		15% steep slopes
	Proposed Grade		Existing Fence		25% steep slopes
	Limit of Disturbance				25' BUFFER TO THE TO OF 15%+ STEEP SLOPES
	Reinforced Silt Fence				100' stream buffer
	Existing Lot Line				

ADMINISTRATIVE SITE PLAN

ROCK HILL, LOT 1, SECTION H
1212 HILLCREEK ROAD
PASADENA, MD. 21122

TAX MAP 17 BLOCK 08 PARCEL 464 TAX ACCOUNT #: 3695-0598-0800 ZONING: R5
 DATE: AUGUST 8, 2022
 3RD ASSESSMENT DISTRICT ANNE ARUNDEL COUNTY, MARYLAND